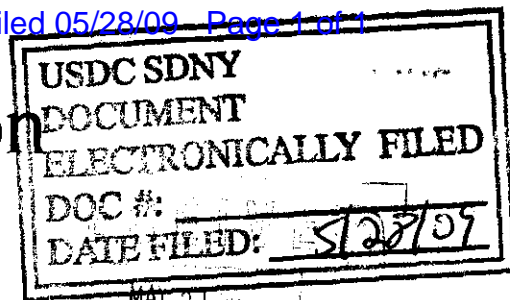




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May 19, 2009

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Honorable William H. Pauley III
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

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Re: Underpinning & Foundation Skanska, Inc. v. Travelers Casualty & Surety Co. of America
Docket No. 07 CV 7348 (WHP)
Our File No. 1490/173520

Dear Judge Pauley:

This office represents the plaintiff in the above-referenced action, which had been referred to mediation through the Court's program. As we have made Your Honor aware through our requests for adjournments of the Pre-Trial Conference, the parties have retained a private mediator and we are scheduled for a mediation session on June 4, 2009. However, the administrator of the Court's mediation program has this action listed in the Court's mediation program and, thus, is seeking to schedule a mediation session with the Court appointed mediator. It would be an unnecessary duplication of effort to have two mediation sessions with different mediators.

Accordingly, I am writing to request that Your Honor remove this action from the Court's mediation program.

Respectfully,

ALAN WINKLER

AW:cs

cc: Maria Sciafani (via facsimile)

Frank T. Cara, Esq. (via e-mail)

292299.01/05/19/09

Application granted.

SO ORDERED:

WILLIAM H. PAULEY III U.S.D.J.
5/27/09